



**Legislative Assembly
Province of Alberta**

No. 45

VOTES AND PROCEEDINGS

Third Session

Twenty-Fifth Legislature

Wednesday, May 14, 2003

The Speaker took the Chair at 1:30 p.m.

Deputy Speaker's Statement - Pages of the Legislative Assembly

On behalf of the Speaker and Members, Mr. Tannas, Deputy Speaker, made a statement noting that 7 of the current Pages would not be returning for the next Session of the Legislature and presented the Pages with a gift in recognition of their tireless efforts.

Speaker's Statement - Pages of the Legislative Assembly

The Speaker read a letter he received from the 7 Pages of the Legislative Assembly who will not be returning for the next Session.

Recognitions

Mrs. Gordon, Hon. Member for Lacombe-Stettler: ACT (Advanced Coronary Treatment) Foundation which has implemented a CPR (cardio-pulmonary resuscitation) training program in 2 school divisions in the Lacombe-Stettler constituency

Ms Kryczka, Hon. Member for Calgary-West: Seniors' Week, June 1-7, 2003

Mr. Danyluk, Hon. Member for Lac La Biche-St. Paul: Lac La Biche-St. Paul constituency for recently hosting the RCMP (Royal Canadian Mounted Police) Regimental Ball and RCMP Commissioner Giuliano Zaccardelli

Ms Carlson, Hon. Member for Edmonton-Ellerslie: Gerri Cook, recipient of the Alberta Motion Picture Industries Association 2003 Friend of the Industry Award on April 5, 2003

Mr. Lord, Hon. Member for Calgary-Currie: Museum of the Regiments located in the Calgary-Currie constituency

Mr. Renner, Hon. Member for Medicine Hat: Shawna Churchill of Medicine Hat, winner of the 2003 Norm McLeod Dream Weaver Award created to promote community inclusion for people with developmental disabilities

Ms Blakeman, Hon. Member for Edmonton-Centre: Ron LaJeunesse, recipient of the Grant MacEwan Literary Award on May 10, 2003 for his book Political Asylums

Presenting Petitions

Mr. Yankowsky, Hon. Member for Edmonton-Beverly-Clareview, presented a petition from 133 Albertans requesting legislation enabling grandparents to maintain ongoing contact with their grandchildren.

The petition put forth by Mr. Strang, Hon. Member for West Yellowhead, was not in order to be presented.

Ms DeLong, Hon. Member for Calgary-Bow, presented a petition from 1,052 Albertans requesting the Government establish a provincially subsidized monthly transit pass program for low income Albertans.

Notices of Motions

Hon. Mr. Jonson, Minister of International and Intergovernmental Relations, gave oral notice of the following motion (Government Motion 23):

Be it resolved that given that the current process of appointing Senators offends Canadians' democratic values, has deprived that House of political legitimacy and efficacy, and has prevented the Senate from being effective in protecting the interests of the provinces of Canada; the Legislative Assembly directs the Government of Alberta to consult with Albertans on reforming the Senate through the following Constitutional amendment, namely by repealing Sections 21 to 34 of the Constitution Act, 1867 and substituting the following:

- 21(1)** The Senate shall consist of elected members called Senators.
- (2)** Each Province shall be represented in the Senate by 6 Senators.
- (3)** Each Territory shall be represented in the Senate by 2 Senators.

22(1) Subject to this section, the Senators representing a Province or Territory shall be elected by the electors of that Province or Territory.

(2) The legislature of a Province or of a Territory may make laws relating to the election of Senators representing that Province or Territory, including the method of election and the procedure for the election.

(3) Except in the case of by-elections, and except in the case of the first election held pursuant to this section, the election of one-half of the Senators representing a Province or Territory shall be held in conjunction with the general elections of members of the legislative assembly of the Province or of the Territory.

(4) Except as otherwise provided in subsection (6) and unless the office is sooner vacated, and except in the case of a Senator elected in a by-election, the term of office of a Senator representing a Province or Territory continues until the official announcement of the results of the Senate elections held in conjunction with the second general election in that Province or Territory after the election of that Senator.

(5) The first election held pursuant to this section in each Province or Territory shall be for the election of all the Senators representing that Province or Territory.

(6) The term of office for one half of the Senators elected from each Province and Territory at the first election held pursuant to this section in each Province or Territory continues until the official announcement of the results of the Senate elections held in conjunction with the next general election in that Province or Territory.

(7) In relation to the Senators representing that Province or Territory, the legislature of a Province or of a Territory may make laws establishing which Senators subsection (6) applies to.

23(1) Subject to this section, a person is qualified to be a candidate and to be elected Senator if the person is eligible to be a candidate and to be elected as a member of the House of Commons.

(2) A person is not qualified to be elected as a Senator or to remain a Senator if the person

(a) is a member of the House of Commons or of the legislative assembly of a Province or of a Territory, or

(b) is a Minister of the Crown

(3) If any question arises respecting the qualification of a Senator, the question shall be heard and determined by the Senate.

24(1) A Senator may resign his or her seat by delivering a resignation to the Governor General.

(2) When a Senator resigns his or her seat in accordance with subsection (1), the seat immediately becomes vacant.

25(1) A by-election to fill a vacancy in the Senate representation of a Province or Territory need not be called if

(a) the vacancy occurs during the last year of the legal life of the legislative assembly of the Province or of the Territory, and

(b) the term of office of the Senator, who vacated that seat would have expired with the announcement of the results of the Senate elections held in conjunction with the next general election in the Province or Territory.

(2) The term of office for a Senator elected at a by-election shall be for the balance of the term of the Senator who vacated the seat.

26 The Senate may establish its own procedure for the election of the Speaker of the Senate and for the conduct of the Senate's business.

27 Subject to section 53, bills proposed to the Parliament of Canada may originate in the Senate equally as in the House of Commons.

28(1) Where a bill is presented to the Senate after being passed by the House of Commons, if the Senate

- (a) votes against passing the bill,
- (b) passes the bill with amendments that are not acceptable to the House of Commons, or
- (c) fails to vote on the bill within 180 days after it is presented to the Senate,

the bill may be brought before the House of Commons and if again passed by the House of Commons, with such amendments made by the Senate as are concurred in by the House, the bill may be presented to the Governor General for assent, and when assented to has the same force and effect as if passed in that form by the Senate.

(2) In a bill presented to the Governor General under this section, the words of enactment shall be amended by striking out any reference to the Senate.

(3) An alteration to a bill to give effect to subsection (2) is deemed not to be an amendment of the bill.

(4) This section does not apply to a bill referred to in section 30.

29 If the Speaker of the Senate or of the House of Commons rules that the subject matter of a bill is wholly or partially within section 94A or 95, the bill may be repassed by the House of Commons under section 28 only if

- (a) the percentage of the members voting who vote to pass the bill is greater than the percentage of Senators voting who voted to reject the bill or pass it with amendments, or
- (b) the Senate fails to vote on the bill within 180 days after it is presented to the Senate.

30 Where a bill is presented to the Senate after being passed by the House of Commons and the Speaker of the Senate or of the House of Commons rules that the bill

- (a) directly affects in any way, including by taxation, the natural resources of a Province,
- (b) authorizes the expenditure of federal funds in areas of provincial jurisdiction under sections 92, 92A and 93,
- (c) is binding on a Province, or
- (d) declares a local work or undertaking to be of the general advantage of Canada or for the advantage of two or more Provinces

if the Senate votes against passing the bill or passes it with amendments not acceptable to the House of Commons no further proceedings may be taken on the bill.

31 Appointments to the Supreme Court of Canada and to the Federal Court of Appeal have no effect until they are ratified by the Senate.

32 No treaty shall be ratified by Canada unless the Senate has authorized Canada to ratify the treaty.

AND BE IT FURTHER RESOLVED THAT,

given that the Constitution establishes Canada as a federal system of government in which the sovereign powers of the Crown are divided between two separate but equal orders of government; and that the federal Parliament is comprised of two Houses: the House of Commons, which is designed to reflect the democratic principle of representation by population, and a Senate, which is designed to reflect the federal nature of Canada; and that Canada is a parliamentary democracy that has constitutionally enshrined the democratic right of every citizen of Canada to vote in an election of members of the House of Commons and of their legislative assembly;

the Legislative Assembly directs the Government of Alberta to initiate discussions with the Government of Canada and the governments of all other Provinces and Territories leading to the reform of the Senate.

Introduction of Bills (First Reading)

Notice having been given:

Bill 44 Personal Information Protection Act — Hon. Mr. Norris on behalf of Hon. Mr. Coutts

Bill 45 Family Law Act — Ms Graham

On motion by Hon. Mr. Hancock, Government House Leader, the following Bill was placed on the Order Paper under Government Bills and Orders:

Bill 45 Family Law Act — Ms Graham

Tabling Returns and Reports

Hon. Mr. Hancock, Minister of Justice and Attorney General, on behalf of Hon. Mrs. McClellan, Minister of Agriculture, Food and Rural Development, pursuant to the Universities Act, cU-3, s64(5):

Report, undated, entitled "Alberta Universities Animal Welfare Inspection Visit 2003" prepared by John Church, Animal Welfare Specialist
Sessional Paper 557/2003

Hon. Mr. Hancock, Minister of Justice and Attorney General, on behalf of Hon. Mrs. McClellan, Minister of Agriculture, Food and Rural Development:

Responses to questions raised on May 7, 2003, Department of Agriculture, Food and Rural Development, 2003-04 Committee of Supply debate
Sessional Paper 558/2003

News release dated May 14, 2003, entitled "Agri-Food Discovery Place: Safer Food, Healthier People" prepared by the Government of Alberta
Sessional Paper 559/2003

Hon. Dr. Taylor, Minister of Environment:

Compliance Assessment and Enforcement Initiatives, Annual Report April 1, 2001 to March 31, 2002

Sessional Paper 560/2003

Ms Graham, Hon. Member for Calgary-Lougheed:

News release dated May 14, 2003, entitled "Leading organizations join forces to improve agri-research and learning in Alberta" prepared by the Government of Alberta

Sessional Paper 561/2003

Rev. Abbott, Hon. Member for Drayton Valley-Calmar:

42 letters, undated, from Alberta small business owners to Rev. Abbott, Hon. Member for Drayton Valley-Calmar, urging the Government to postpone proposed legislative changes that will adversely affect Workers' Compensation Board premiums

Sessional Paper 562/2003

Letter, undated, to the Editor of the Drayton Valley Western Review newspaper, from Ken Cameron discussing initiatives by residents of the constituency of Drayton Valley-Calmar to improve Alberta's position within Confederation

Sessional Paper 563/2003

Mr. Strang, Hon. Member for West Yellowhead:

2 letters, the first dated May 8, 2003, from John Stitzenberger, Spokesperson, Concerned Parents of GYRD (Grande Yellowhead Regional Division) #35 students in Edson, to Hon. Mr. Klein, Premier, with attached information package, and the second dated May 9, 2003, from His Worship Gary Mahon, Mayor, Town of Edson, to Hon. Mr. Lund, Minister of Infrastructure, requesting the Government reconsider its decision to transfer schools from GYRD to the Living Waters Catholic Regional Division

Sessional Paper 564/2003

2 letters, the first dated May 8, 2003, from John Stitzenberger, Spokesperson, Concerned Parents of GYRD (Grande Yellowhead Regional Division) #35 students in Edson, to Hon. Mr. Lund, Minister of Infrastructure, with attached information package, and the second dated May 9, 2003, from His Worship Gary Mahon, Mayor, Town of Edson, to Hon. Mr. Lund, Minister of Infrastructure, requesting the Government reconsider its decision to transfer schools from GYRD to the Living Waters Catholic Regional Division

Sessional Paper 565/2003

Letter, dated May 8, 2003, from John Stitzenberger, Spokesperson, Concerned Parents of GYRD (Grande Yellowhead Regional Division) #35 students in Edson, to Hon. Dr. Oberg, Minister of Learning, requesting the Government reconsider its decision to transfer schools from GYRD to the Living Waters Catholic Regional Division

Sessional Paper 566/2003

Mr. Herard, Hon. Member for Calgary-Egmont:

Copy of a petition signed by 42 owners of Hilltop House condominium in the constituency of Calgary-Egmont, urging the Government to amend the Condominium Property Act and regulations to relieve the unfair financial burden placed on condominium owners with respect to the capital replacement reserve fund

Sessional Paper 567/2003

Mr. Marz, Hon. Member for Olds-Didsbury-Three Hills:

1 letter dated May 6, 2003, from J.A. Hanson, Chief Administrative Officer, Village of Cremona, to Mr. Marz, Hon. Member for Olds-Didsbury-Three Hills, and 3 letters, undated, from Karen Kreks and B. Pentz both of Didsbury and Katherine J. Day of Crossfield to Hon. Mr. Mar, Minister of Health and Wellness, requesting the Didsbury district health services be included in the Calgary Regional Health Authority

Sessional Paper 568/2003

Ms DeLong, Hon. Member for Calgary-Bow:

Copy of a petition signed by 74 Calgary and area residents urging the Government to address a variety of education funding needs

Sessional Paper 569/2003

Ms Blakeman, Hon. Member for Edmonton-Centre, on behalf of Dr. Taft, Hon. Member for Edmonton-Riverview:

Copy of a petition signed by 131 Edmonton and area residents urging the Government to increase public education funding

Sessional Paper 570/2003

Ms Blakeman, Hon. Member for Edmonton-Centre:

Presentation entitled "Creating Protections for Better Lives of Vulnerable Seniors in Care Today and in the Future" prepared by Families Allied to Influence Responsible Eldercare (FAIRE) to be made to the Standing Policy Committee on Health and Community Living on June 17, 2003

Sessional Paper 571/2003

Mr. Bonner, Hon. Member for Edmonton-Glengarry:

Copy of a petition signed by 872 Albertans urging the Government to consider splitting the budget surplus between the monetary debt and the infrastructure debt
Sessional Paper 572/2003

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

Copy of a petition signed by 77 Albertans requesting an immediate increase in AISH (Assured Income for Severely Handicapped) and SFI (Supports for Independence) benefits

Sessional Paper 573/2003

Presentation entitled "The Stakeholder Coalition for Economic Transmission Policy" made to the Standing Policy Committee on Energy and Sustainable Development on February 25, 2002

Sessional Paper 574/2003

Letter dated May 14, 2003, from His Worship Bill Smith, Mayor, City of Edmonton, to Hon. Mr. Hancock, Minister of Justice and Attorney General, urging Mr. Hancock to reconsider adopting the boundaries as established by the Electoral Boundaries Commission

Sessional Paper 575/2003

Dr. Massey, Hon. Member for Edmonton-Mill Woods:

2 e-mail messages, dated May 13, 2003 and May 14, 2003, from Bonnie Dani to Ms Carlson, Hon. Member for Edmonton-Ellerslie, expressing concern regarding the proposed teacher lay-offs within the Edmonton Public School Board

Sessional Paper 576/2003

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

Letter dated April 28, 2003, from H el ene O'Connor of Edmonton to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing concern regarding increasing medical school tuition fees

Sessional Paper 577/2003

6 letters from Edmonton residents and a variety of associations representing the deaf, to Hon. Dr. Oberg, Minister of Learning, and Dr. Pannu, Hon. Member for Edmonton-Strathcona, requesting the Government's support to keep the ASL (American Sign Language)-English Interpreter Program at Grant MacEwan College

Sessional Paper 578/2003

Mr. Mason, Hon. Member for Edmonton-Highlands:

Letter dated April 11, 2003, from William G. Daly of Edmonton, unaddressed, expressing concern regarding increasing health costs for seniors

Sessional Paper 579/2003

Mr. Lord, Hon. Member for Calgary-Currie:

Document, undated, entitled "Electricity Retail Price Fact Sheet"
Sessional Paper 580/2003

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mrs. Nelson, Minister of Finance, pursuant to the Insurance Act, cI-3, s658(2):

Automobile Insurance Board, Annual Report for the Year Ending December 31, 2002
Sessional Paper 581/2003

Clerk of the Assembly on behalf of Hon. Mrs. Nelson, Minister of Finance, pursuant to the Alberta Municipal Financing Corporation Act, cA-27, s30:

Alberta Municipal Financing Corporation, 2002 Annual Report
Sessional Paper 582/2003

Clerk of the Assembly on behalf of Hon. Mrs. Nelson, Minister of Finance, pursuant to the Conflicts of Interest Act, cC-23, s16(5) and the Legislative Assembly Act, cL-9, s37(4):

Report of Selected Payments to Members and Former Members of the Legislative Assembly and Persons Directly Associated With Members of the Legislative Assembly for the Year Ended March 31, 2002
Sessional Paper 583/2003

Clerk of the Assembly on behalf of Hon. Mrs. Nelson, Minister of Finance:

Report entitled "General Revenue Fund, Details of Grants, Supplies and Services, Capital Assets and Other, by Payee for the Year Ended March 31, 2002"
Sessional Paper 584/2003

Clerk of the Assembly on behalf of Hon. Mr. Dunford, Minister of Human Resources and Employment:

Response to Written Question WQ3, asked for by Mr. MacDonald on March 17, 2003:

What is the *aggregate* dollar amount *and range of achievement bonuses given to employees* in the Alberta Human Resources and Employment Ministry for *the 1999/2000, 2000/2001, and 2001/2002 fiscal years?*
Sessional Paper 585/2003

Clerk of the Assembly on behalf of Hon. Mr. Woloshyn, Minister of Seniors:

Response to Written Question WQ5, asked for by Ms Blakeman on March 17, 2003:

What is the *aggregate* dollar amount given as *achievement bonuses to employees* in the Alberta Seniors Ministry, and *what is the number of employees, broken down by range of the bonus amount, who received a bonus for the 2001/2002 fiscal year?*

Sessional Paper 586/2003

Clerk of the Assembly on behalf of Hon. Mr. Coutts, Minister of Government Services:

Response to Written Question WQ6, asked for by Mr. MacDonald on March 17, 2003:

What is the *aggregate* dollar amount *and range of achievement bonuses given to employees* in the Alberta Government Services Ministry *broken down by the range of bonus dollar amounts and the number of employees who received a bonus within that range, for the 2001/2002 fiscal year?*

Sessional Paper 587/2003

Clerk of the Assembly on behalf of Hon. Mr. Cardinal, Minister of Sustainable Resource Development:

Response to Written Question WQ8, asked for by Ms Carlson on March 17, 2003:

What is the aggregate amount of all bonuses awarded to *employees, and the number of employees who received a bonus*, within the Ministry and Department of Sustainable Resource Development over the 2001/2002 fiscal year broken down by the *range of bonus dollar amounts and the number of employees who received a bonus within that range?*

Sessional Paper 588/2003

Clerk of the Assembly on behalf of Hon. Dr. Taylor, Minister of Environment:

Response to Written Question WQ10, asked for by Ms Carlson on March 17, 2003:

What is the aggregate amount of all bonuses awarded to *employees, and the number of employees who received a bonus*, within the Ministry and Department of Environment over the 2001/2002 fiscal year broken down by the *range of bonus dollar amounts and the number of employees who received a bonus within that range?*

Sessional Paper 589/2003

Clerk of the Assembly on behalf of Hon. Mr. Stelmach, Minister of Transportation:

Response to Written Question WQ11, asked for by Mr. Bonner on April 14, 2003:

What is the aggregate amount of all bonuses awarded to *employees, and the number of employees who received a bonus*, within the Ministry and Department of Transportation over the 2001/2002 fiscal year broken down by the *range of bonus dollar amounts and the number of employees who received a bonus within that range?*

Sessional Paper 590/2003

Clerk of the Assembly on behalf of Hon. Mr. Boutilier, Minister of Municipal Affairs:

Response to Written Question WQ12, asked for by Mr. Bonner on April 14, 2003:

What is the aggregate amount of all bonuses awarded to *employees, and the number of employees who received a bonus*, within the Ministry and Department of Municipal Affairs over the 2001/2002 fiscal year broken down by the *range of bonus dollar amounts and the number of employees who received a bonus within that range?*

Sessional Paper 591/2003

Clerk of the Assembly on behalf of Hon. Mr. Mar, Minister of Health and Wellness:

Return to Order of the Assembly MR3, asked for by Dr. Taft on March 17, 2003:

A detailed breakdown of expenses including, but not limited to, research fees, hosting fees, salaries, consulting fees, public relations, advertising costs, and meeting expenses for the following committees set up under the Report of the Premier's Advisory Council on Health: Committee on Collaboration and Innovation, Expert Advisory Panel to Review Publicly Funded Health Services, MLA Task Force on Health Care Funding and Revenue Generation, and the Health Reform Implementation Team.

Sessional Paper 592/2003

Return to Order of the Assembly MR6, asked for by Dr. Taft on March 17, 2003:

A breakdown of the bonuses, *and the aggregate amount thereof*, paid to *managers and senior officials* of Alberta Health and Wellness in each fiscal year from 1997/98 to 2000/01 broken down by *range of bonus amounts and the number of employees who received a bonus within that range.*

Sessional Paper 593/2003

Clerk of the Assembly on behalf of Hon. Mr. Stevens, Minister of Gaming:

Responses to questions raised on April 10, 2003, Department of Gaming, 2003-04 Committee of Supply debate

Sessional Paper 594/2003

Letter dated May 14, 2003, from Hon. Mr. Stevens, Minister of Gaming, to Wendy M. Sauve of Edmonton, responding to Ms Sauve's letter dated April 8, 2003, to Dr. Massey, Hon. Member for Edmonton-Mill Woods, regarding the distribution of funds from the Alberta Lottery Fund

Sessional Paper 595/2003

Responses to Written Questions WQ13 and WQ14, asked for by Ms Blakeman on April 28, 2003:

What were the total sales numbers, broken down by individual game, for the sports lottery products Pro Line, Over/Under, and Point Spread, for the calendar years 2000 through 2002 inclusive?

What was the total payout to customers in the form of winnings from tickets purchased, broken down individually by game, from the sports lottery products Pro Line, Over/Under, and Point Spread, for the fiscal years 1999-2000 to 2001-2002 inclusive?

Sessional Paper 596/2003

ORDERS OF THE DAY

Unanimous Consent

Hon. Mr. Hancock, Government House Leader, requested the unanimous consent of the Assembly to waive Standing Order 61(2) allowing for the Third Reading consideration of the following Bill:

Bill 40 Appropriation Act, 2003 (\$) — Hon. Mrs. Nelson

Unanimous consent to proceed was not granted.

Oral notice having been given, Hon. Mr. Hancock, Government House Leader, requested the unanimous consent of the Assembly to waive Standing Order 38(1)(a) to allow for consideration of Government Motion 23.

Unanimous consent to proceed was not granted.

Government Bills and Orders

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole, and the Speaker left the Chair.

(Assembly in Committee)

And after some time spent therein, the Speaker resumed the Chair.

The following Bill was reported:

Bill 40 Appropriation Act, 2003 (\$) — Hon. Mrs. Nelson

Third Reading

On the motion that the following Bill be now read a Third time:

Bill 42 Electoral Divisions Act — Hon. Mr. Hancock

A debate followed.

Hon. Mr. Hancock, Government House Leader, requested the unanimous consent of the Assembly to waive Standing Order 4(3).

Unanimous consent to proceed was not granted.

The question being put on the motion for Third Reading of Bill 42, the motion was agreed to. With Hon. Mr. Kowalski in the Chair, the names being called for were taken as follows:

For the motion: 44

Abbott	Graham	McClelland
Ady	Haley	McFarland
Amery	Hancock	Norris
Broda	Herard	Rathgeber
Cao	Hlady	Renner
Cenaiko	Horner	Shariff
Danyluk	Jablonski	Snelgrove
DeLong	Jacobs	Stelmach
Doerksen	Jonson	Strang
Dunford	Klapstein	Tarchuk
Evans	Lord	Taylor
Friedel	Lougheed	VanderBurg
Fritz	Lund	Vandermeer
Gordon	Marz	Zwozdesky
Goudreau	Masyk	

Against the motion: 6

Blakeman	MacDonald	Massey
Bonner	Mason	Pannu

The following Bills were read a Third time and passed:

Bill 39 Miscellaneous Statutes Amendment Act, 2003 — Hon. Mr. Hancock

Bill 42 Electoral Divisions Act — Hon. Mr. Hancock

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:25 p.m. until Thursday, May 15, 2003, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Wednesday, May 14, 2003